



ILLINOIS COMMERCE COMMISSION

June 9, 2003

The Department of Transportation of the State of Illinois, for an on
behalf of the People of the State of Illinois,
Petitioner,

Vs.

Maytag Corporation, a Delaware corporation; RTA Metra; Business,
Inc.; and Unknown Owners.
Respondents.

T03-0054

Petition for approval of the taking or damaging of certain properties owned
by a commercial transportation carrier in Cook County, Illinois by
exercising the right of eminent domain. Parcel No. OER0018TE.

Mr. Douglas G. Felder
Special Assistant Attorney General
20 S. Clark St., Ste. 2000
Chicago, IL 60603

Dear Mr. Felder:

Receipt is acknowledged of the original and three (3) copies of the Petition filed June 9, 2003 in the above matter.

Processing and Information Section

kl

cc: Mr. Victor A. Modeer, IDOT
Mr. Steve Bruner, Maytag
Mr. Tony Bryant, Business, Inc.
Mr. W.K. Tupper, RTA Metra
Ms. Alaina Bridges, Chicago DOT

COPY

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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JUN - 9 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and on behalf
of the People of the State of Illinois,

- Petitioner

vs.

MAYTAG CORPORATION, a Delaware corporation;
RTA METRA; BUSINESS, INC; and

UNKNOWN OWNERS

- Respondents

Petition for approval of the taking or damaging
of certain properties owned by a commercial trans-
portation carrier in Cook County, Illinois by
exercising the right of eminent domain

Case No. T03-0054

Parcel No. OER0018TE

PETITION FOR APPROVAL TO TAKE PROPERTY

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a
Department of the State Government of Illinois, by LISA M. MADIGAN, Attorney General of the
State of Illinois, and Douglas G. Felder, Special Assistant Attorney General, pursuant to Section 102
of the Eminent Domain Act of Illinois (735 ILCS 5/7-102) (West 2002), requests approval of the
Illinois Commerce Commission for the taking and/or damaging of certain properties owned by
MAYTAG CORPORATION, a Delaware Corporation, as Successor to Chicago Pacific Corporation

DOCKETED

which acquired title as The Chicago, Rock Island and Pacific Railroad Company (the "Railroad"), a commercial transportation carrier subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1 Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, West 2002), Petitioner proposes to widen and resurface FAP 344 (127th Street) in Cook County, Illinois.

2 Under the Illinois Highway Code, FAP 344 is a part of and included in the State Highway System.

3 Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, West 2002) provides:

"The Department, or its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4 The improvement of FAP 344 (127th Street) is a public improvement project. The improvement project constitutes a public purpose, namely reconstruction and improvement of the roadway, structures and intersections at or adjacent to FAP 344 (127th Street) in Cook County.

5 The Railroad is subject to the jurisdiction of the Commission.

6 The Railroad is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real

property is located at or adjacent to FAP 344 (127th Street) in Cook County and the Petitioner has deemed it necessary to improve the roadways, structures and intersections at and along FAP 344 (127th Street) in Cook County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7 Petitioner has been authorized to acquire a temporary construction easement for three years or the completion of construction, whichever occurs first, as to Parcel OER0018TE legally described in Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described highway reconstruction and improvement of the structures at and along FAP 344 (127th Street) in Cook County for the use of the People of the State of Illinois.

8 The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the Railroad although Petitioner has attempted to effect such an agreement, or the Petitioner has not otherwise been able to acquire title to the property. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

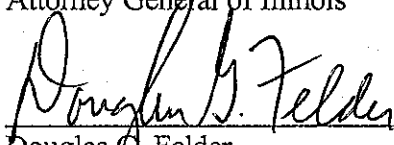
9 Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking of the Railroad's property described in Exhibit A or the damaging of any remainder property.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the

above described real property of the Railroad by the exercise of the right of eminent domain.

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and
on behalf of the People of the State of Illinois

By: LISA M. MADIGAN
Attorney General of Illinois

By: 

Douglas G. Felder
Special Assistant Attorney General

Douglas G. Felder
Douglas G. Felder, P.C.
Special Assistant Attorney General
20 South Clark Street
Suite 2000
Chicago, Illinois 60603
312/634-3509

AFFIDAVIT OF SERVICE

Douglas G. Felder, being first duly sworn, on oath, states that he served the foregoing Petition upon the following addressees at their respective addresses set forth:

VIA CERTIFIED MAIL AND U.S. MAIL

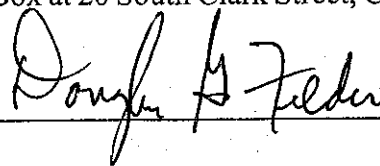
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62708
(original and three copies)

Maytag Corporation
403 West Fourth Street North
P.O. Box 39
Newton, IA 50208-0039
Attention: Steve Bruner

RTA METRA
547 West Jackson Boulevard
Chicago, IL 60606

Business, Inc.
c/o Registered Agent:
Tony Bryant
420 West Grand Avenue
Suite 1A
Chicago, IL 60610

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Drop Box at 20 South Clark Street, Chicago, Illinois, before 5:00 p.m. on the 3rd day of June 2003.



SUBSCRIBED and SWORN to
before me this 3rd day of
June 2003


Notary Public

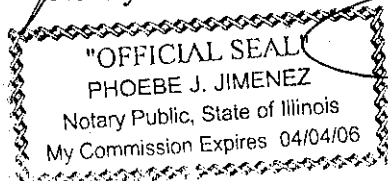


Exhibit A

Route: F.A.P. 334 (127th Street)
Section: Western to Paulina (RR)
County: Cook
Job No.: R-90-027-01
Parcel: OER0018TE
Stations: 10+771.601 through
10+817.959
Owner: Maytag Corporation, a Delaware
Corporation (successor by
merger to Chicago Pacific
Corporation) which acquired title
as The Chicago, Rock Island
and Pacific Railroad Company
Index #: 25-30-315-026(pt), 25-30-315-
027(pt), & 25-31-108-001(pt)

That part of Lot 7 in Ludwig Krueger's Subdivision of the East Half of the Southwest Quarter of Section 30, Township 37 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded December 5, 1883 as Document Number 512104, described as follows; Beginning at the intersection of the North Right of Way Line of 127th Street and the Easterly Right of Way line of Chicago, Rock Island and Pacific Railroad (Suburban Line), thence North 07 degrees 30 minutes 14 seconds East along said Easterly line 17.23 feet; thence North 88 degrees 06 minutes 53 seconds East 152.04 feet; thence South 07 degrees 30 minutes 14 seconds West 17.23 feet to a point on said North Right of Way line; thence South 88 degrees 06 minutes 53 seconds West 152.04 feet along said North Right of Way line to the Point of Beginning, all in Cook County, Illinois.

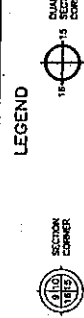
Said Parcel contains 0.059 acres, more or less.

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PLATS & LEGALS

Exhibit B



- LEGEND**
- SECTION LINE
 - QUARTER SECTION LINE
 - PLATTED LOT LINE
 - PROPERTY (DEED) LINE
 - ADJACENT PROPERTY LINE
 - CENTERLINE
 - EXISTING RIGHT OF WAY LINE
 - PROPOSED RIGHT OF WAY LINE
 - PROPOSED EASEMENT
 - MEASURED DIMENSION
 - COMPUTED DIMENSION
 - RECORD DATA
 - EXISTING BUILDING

NOTES:

1. THESE SPACES, REFERENCE FOUND, OR SET REPLICATED FROM ROAD PLATINGS CAP BEARING SURVEYORS RECONSTRUCTION TO THE FOUND RAILROAD RIGHT OF WAY LINE.
2. THE FOUND RAILROAD RIGHT OF WAY LINE IS IDENTIFIED BY COLORED PLASTIC MARKERS PLACED AT 50' INTERVALS ALONG THE LINE.
3. THE FOUND RAILROAD RIGHT OF WAY LINE IS IDENTIFIED BY COLORED PLASTIC MARKERS PLACED AT 50' INTERVALS ALONG THE LINE.
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10. THE FOUND RAILROAD RIGHT OF WAY LINE IS IDENTIFIED BY COLORED PLASTIC MARKERS PLACED AT 50' INTERVALS ALONG THE LINE.

GRAPHIC SCALE
(IN FEET)

0 30 60 90

NOTES:

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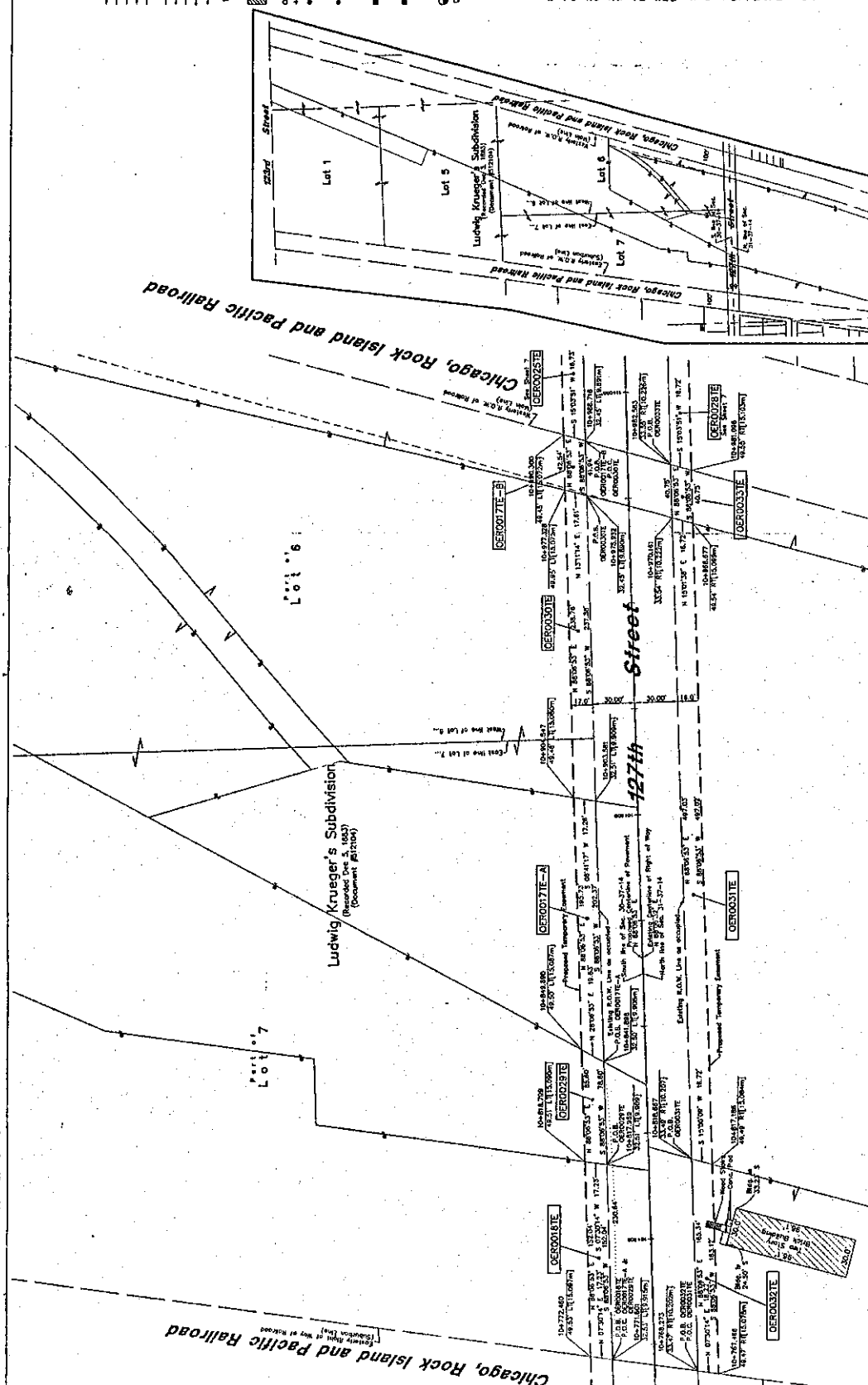
W-T
W.T. LAND SURVEY
LAND AND CONSTRUCTION
30 EAST 30TH ST
CHICAGO, ILLINOIS 60640
TEL: (312) 555-1234

PLAT OF HIGHWAYS
STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
F.A.P. 344 (12TH STREET) (RR) OR
SECTION WESTERN TO PAULINA (RR) OR
PROJECT 10-167-466 TO STATION
SCALE: 1"=40'

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PLATS A LEGALS

BUREAU OF LAND ACQUISITION
CHICAGO, ILLINOIS 60616-1
MADE BY: MWD
MADE BY: MWD

SECTION WESTERN TO PAULINA (RR)
COUNTY COOK
RECORDING: RECORDED ON



STATION	OFFSET	NORTHING	EASTING
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227
10+772.40	20.47	111,000.00	25,845.227

PARCEL NO.	OWNER	TOTAL ACRES	PREVIOUSLY DEDICATED ACRES	EXEMPT ACRES	REMARKS
06000171-A	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-B	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-C	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-D	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-E	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-F	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-G	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-H	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-I	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111
06000171-J	Highland Rail Corporation, an Iowa Corporation	2.286	N/A	0.07111-0.07111	0.07111-0.07111